

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MIKE TURNER, On Behalf of Himself and All Others Similarly Situated,)	Case No. 04-12294-PBS
)	
Plaintiff,)	Judge Saris
)	
vs.)	
)	
ANDREW J. FILIPOWSKI, MICHAEL P. CULLINANE, PAUL L. HUMENANSKY, TOMMY BENNETT, JOHN COOPER, JAMES E. COWIE, MICHAEL H. FORSTER, ARTHUR W. HAHN, THOMAS J. MEREDITH, J. KEVIN NATER and JOHN RAU,)	
)	
Defendants.)	
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**ASSENTED TO MOTION TO CONTINUE STATUS CONFERENCE AND ADJOURN
ORAL ARGUMENT ON PLAINTIFF'S MOTION TO REMAND**

Plaintiff Mike Turner ("Plaintiff") and defendants Andrew J. Filipowski, Michael P. Cullinane, Paul L. Humenansky, Tommy Bennett, John Cooper, James E. Cowie, Michael H. Forster, Arthur W. Hahn, Thomas J. Meredith, J. Kevin Nater and John Rau ("Defendants"), by their undersigned counsel, hereby move this Court to (i) continue the status conference from May 24, 2005 until July 19, 2005; and (ii) adjourn the oral argument on Plaintiff's motion to remand until July 19, 2005 at 3:00 p.m. As reasons therefor, the parties state:

1. Currently pending before the Court is Plaintiff's Motion for Reconsideration of Remand (the "Motion"), which motion is fully briefed. Oral argument on the Motion is currently set for May 24, 2005. This Court had also scheduled oral argument for the motion to dismiss filed in *Bobbitt v. Filipowski*, No. 1:04-cv-12263-(PBS), for May 24, 2005, but recently granted the Bobbitt plaintiffs' motion to adjourn oral argument to July 19, 2005.

2. Recently, the parties reached an agreement to attempt to mediate the claims in the above-captioned action. For this reason, the parties respectfully submit that it would be in all parties interest to adjourn the present schedule so that the parties can devote their time, energy and resources to the complex negotiations that resolution of this matter will require. The parties propose to submit a status report to the Court shortly after their first mediation session.¹ Accordingly, in an effort to minimize any unnecessary costs in this action, the parties hereby request (i) the continuance of the status conference from May 24, 2005 until July 19, 2005; and (ii) the oral argument on Plaintiff's Motion be adjourned until July 19, 2005 at 3:00 p.m.

3. The parties have conferred and all parties agree to this motion.

WHEREFORE, the parties respectfully request that this Court enter an Order to continue the status conference and to reschedule the oral argument scheduled for May 24, 2005 until July 19, 2005 at 3:00 p.m.

¹ The parties expect to agree to a mediator and a date for the mediation shortly and will advise the Court as soon as that is accomplished.

DATED: May 17, 2005

Respectfully Submitted,

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RULE 7.1 CERTIFICATION

I, the undersigned counsel, represent that I have conferred with counsel of record in good faith with an eye towards resolving or narrowing the disputes in this matter. Defendants do not oppose this motion.

s/ Marc M. Umeda

Marc M. Umeda